

### **REMARKS**

Applicants thank the Examiner for the very thorough consideration given the present application. Claims 1, 2, 5, 8-33 and 35-41 are now in the application and claims 1, 9, 12, 14, 19, 28, 33, 36, 40 and 41 are independent. Claims 9-33 and 35 stand withdrawn by the Examiner under 37 C.F.R. § 1.142(b) as directed to a nonelected invention.

The Office Action dated June 22, 2009 has been received and carefully reviewed. Each issue raised in the Office Action is addressed below. Reconsideration and allowance of the present application are respectfully requested in view of the following remarks, inasmuch as the instant amendment automatically places the application in condition for allowance.

#### **Priority Under 35 U.S.C. § 119**

Applicants thank the Examiner for acknowledging Applicants' claim for foreign priority under 35 U.S.C. § 119, and receipt of the certified priority document.

#### **Allowable Subject Matter**

Claims 3, 4, 6 and 7 stand objected to as containing allowable subject matter, subject to rewriting in proper independent form. Applicants appreciate this early indication of patentable subject matter, and responsive thereto have rewritten claims 3 and 4 in proper independent form by combining claim 3 with original claim 1, and presented as independent claim 1, and by combining claim 4 with original claim 1, and presented as new independent claim 36, with claims 37-39 dependent thereon, which correspond to original claims 2, 5 and 8, respectively. Similarly, original claims 1, 5 and 6 have been combined and presented as new independent claim 40 and original claims 1, 5 and 7 have been combined and presented as new independent claim 41. Therefore, new claims 40 and 41 should also be automatically allowable based upon the Examiner's indication of allowable subject matter in the most recent Office Action.

#### **Claim Rejections – 35 U.S.C. § 102**

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(e) as allegedly unpatentable over U.S. Pub. No. 2006/0146408 to Ushiro et al. ("Ushiro"). Applicants submit that the Examiner has

failed to establish a *prima facie* case of anticipation and respectfully traverse the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 1 and 2 have been cancelled, thus rendering this rejection under 35 U.S.C. § 102(e) moot. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

#### Claim Rejections – 35 U.S.C. § 103

Claim 5 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ushiro in view of U.S. Pub. No. 2004/0004688 to Kawata et al. ("Kawata"). Claim 8 stands rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Ushiro in view of U.S. Pat. No. 6,295,109 to Kubo et al. ("Kubo"). Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and respectfully traverses the rejection. A complete discussion of the Examiner's rejection is set forth in the Office Action, and is not being repeated here.

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, Applicants respectfully submit that claims 5 and 8 have been made dependent upon allowable claim 3, which has been presented as independent claim 1, thus rendering this rejection under 35 U.S.C. § 103(a) moot. Claims 5 and 8 have also been rewritten as new dependent claims 38 and 39 which are dependent upon the allowable subject matter of original claim 4, which has been represented as new independent claim 36. Accordingly, reconsideration and withdrawal of these rejections are respectfully requested.

#### Conclusion

All objections and rejections raised in the Office Action having been properly traversed and addressed, it is respectfully submitted that the present application is in condition for allowance. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been

made to the outstanding Office Action, and as such, the present application is in condition for allowance. Notice of same is earnestly solicited.

Prompt and favorable consideration of this Amendment is respectfully requested.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone Paul T. Sewell, Registration No. 61,784, at (703) 205-8000, in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.14; particularly, extension of time fees.

Dated:

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Respectfully submitted,

By 

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